



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/536,853

05/27/2005

Pascal Aznar

103.001

4377

41754 7590 09/11/2008  
THE JANSSON FIRM  
9501 N. CAPITAL OF TX HWY #202  
AUSTIN, TX 78759

EXAMINER

MARTINEZ, BRITTANY M

ART UNIT

PAPER NUMBER

1793

MAIL DATE

DELIVERY MODE

09/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/536,853	<b>Applicant(s)</b> AZNAR, PASCAL	
	<b>Examiner</b> BRITTANY M. MARTINEZ	<b>Art Unit</b> 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/15/2008</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Status of Application*

Applicant's arguments/remarks and amendments filed on May 8, 2008, have been carefully considered. **Claims 1-6** are pending in this application, with **Claims 1-5** amended and **Claim 6** added. **Claims 1-6** have been examined.

### *Abstract*

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

***Claim Objections***

1. **Claims 4-5** are objected to because of the following informalities: it appears as if “syringes bodies” in the 3<sup>rd</sup> line of **Claims 4-5** should read “syringe bodies.” Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in the prior Office action.

2. **Claims 1-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuji (XP-002198180) in view of Schwartz (WO 92/04976).

3. With regard to **Claims 1-2**, Fuji discloses a column for flash chromatography comprising spherical and porous silica gel having granules with a pore size of 10 nm (Fuji, p. 1, “Properties of FL60D”).

4. With regard to **Claim 3**, Fuji discloses a column for flash chromatography containing 25 g of spherical and porous silica gel (Fuji, p. 2, “Loading amount and performance”).

5. With regard to **Claims 4-5**, Fuji discloses a column for flash chromatography manufactured with tubes and syringe bodies (Fuji, p. 1, “Flash chromatography system”).

6. With regard to **Claim 6**, Fuji discloses a column for flash chromatography adapted to purify synthetic products in quantities of 50 mg (Fuji, p. 2, “Loading amount and performance”).

Art Unit: 1793

7. Fuji does not explicitly disclose granules comprised between 3 and 45  $\mu\text{m}$  (**Claims 1 and 2**) or semi-spherical silica gel (**Claim 2**).

8. With regard to **Claims 1-2**, Schwartz discloses high-strength, non-agglomerated porous uniform silica microspheres from 1.0 to 50  $\mu\text{m}$  (Schwartz, p. 1, lines 15-16).

9. With regard to **Claim 2**, it is well-known in the art that “semi-spherical” refers to something that has a somewhat spherical shape. Thus, a semi-spherical silica granule would be obvious in view of Fuji.

10. Thus, it would have been obvious to one of ordinary skill in the art to modify the flash chromatography column of Fuji with the silica of Schwartz in order to obtain a flash chromatography column with high-strength silica that can be operated at a lower pressure because of the larger particle size (Fuji, p. 1, “Separation of standard samples”).

### ***Response to Amendments***

Applicant's amendments, filed May 8, 2008, with respect to the Title, Drawings, Specification, and Claims have been fully considered and are accepted. The objections to the Drawings and Specification, filed January 8, 2008, and the rejections under 35 U.S.C § 112, filed January 8, 2008, have been withdrawn. It is noted that Applicant did not amend the instant Abstract in accordance with the amendments to the instant specification. Thus, the Abstract is objected to as discussed above. Further, it is noted that although Applicant states that the objections to **Claims 4-5** have been remedied, **Claims 4-5** have not in fact been amended to correct the objected portions. Thus, the objection of **Claims 4-5** stands.

### ***Response to Arguments***

1. Applicant's arguments with respect to the 35 U.S.C. 103(a) rejection of **Claims 1-5**, and with respect to new claim, **Claim 6**, have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRITTANY M. MARTINEZ whose telephone number is (571) 270-3586. The examiner can normally be reached Monday-Friday 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on (571) 272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1793

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wayne Langel/  
Primary Examiner, Art Unit 1793

BMM  
/Brittany M Martinez/  
Examiner, Art Unit 1793